

YOUTH SERVICES POLICY

Title: Attorney Visits Next Annual Review Date: 11/28/2014	Type: C. Field Operations Sub Type: 1. General Number: C.1.4
	Page 1 of 5
References: ACA Standards 2-CO-3C-01 (Administration of Correctional Agencies) 4-JCF-3A-01 (Performance-Based Standards For Juvenile Correctional Facilities); DOJ PREA Standard 115.353(d); YS Policies B.8.1 "Telephone Usage by Youth and Monitoring of Calls", C.2.5 "Searches of Visitors" and C.2.8 "Youth Visitation in Secure Facilities".	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 11/28/2012

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To provide uniform procedures for approving and conducting attorney visits, and visits by authorized legal representatives of an attorney.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Regional Directors, General Counsel and Facility Directors. It is the Facility Director's responsibility to convey the contents of this policy to all youth, affected employees, and attorneys seeking to visit.

IV. DEFINITIONS:

Authorized Legal Representative (ALR) - authorized legal representative of an attorney, includes paralegals, certified legal assistants (CLAs), law clerks, investigators, and youth advocates.

Attorney Visits - includes visits by an attorney to a secure care facility for face-to-face meetings, visits through the use of teleconference equipment, and telephone calls.

Certified Legal Assistant (CLA) - a certified legal assistant.

Facility Director - YS/OJJ employee in charge of operating all aspects of a secure care facility, who is also referred to as the "Director".

Youth Advocate - a person working for a non-profit organization or government agency whose mission includes advocating for delinquent youth in the custody of YS/OJJ. A youth advocate must work under the supervision of an attorney licensed to practice law in Louisiana, who is employed by the same non-profit organization or government agency.

V. POLICY:

It is the Deputy Secretary's policy that youth shall be provided reasonable and confidential access to their attorneys and/or authorized legal representative in accordance with the following procedures.

VI. PROCEDURES:

A. Approval of Attorney Visits:

- Requests from attorneys for visits (face-to-face, teleconference or telephone) with clients shall be faxed or emailed to the General Counsel/designee and the appropriate Facility Director simultaneously, and must be approved in advance by the General Counsel/designee.
- Attorney credentials must be verified through the Louisiana State Bar Association (LSBA) prior to being approved to visit or engage in privileged communication with youth. Verification may be obtained by going to the LSBA website (www.lsba.org) and clicking on the "Membership" button, or calling the LSBA at 1-800-421-5722.
- The General Counsel/designee shall approve/disapprove requests, and email confirmations to the appropriate Facility Director. The Facility Director/designee shall advise attorneys of approval or non-approval of requested visits and copy the General Counsel/designee on the response.
- Designated Facility staff shall print or file the approval from the General Counsel/designee in their computer system, and maintain a paper or computer log of the actual attorney visits.

B. Approval of Authorized Legal Representative (ALR) Visits:

- Requests from attorneys for ALRs to be permitted to enter the facility to conduct interviews with their clients shall be faxed or emailed to the General Counsel/designee and the appropriate Facility Director simultaneously, and must be approved in advance by the General Counsel/designee.

2. The Facility Director/designee shall advise attorneys of approval or non-approval of the requested visits for ALRs and copy the General Counsel/designee on the response.
3. Facility staff shall print or file the approval from the General Counsel/designee in their computer system and maintain a paper or computer log of the actual ALR visits.
4. Following approval of ALR visits, they may be permitted to enter the facility to conduct interviews with clients of their supervising attorney, either with the attorney or alone, at the discretion of the Facility Director. Visits by ALRs must be face-to-face and do not include teleconference or telephone contacts.
5. For an ALR to be approved to enter the grounds of the facility, the following criteria must be met by the employing/supervising attorney:
 - The ALR must not be on the visiting list of any youth confined in a YS secure care facility.
 - A paralegal must have completed a paralegal or legal assistant study program at an accredited four-year college or junior college, or have completed a paralegal or legal assistant study program approved by the American Bar Association. (Certification by the National Association of Legal Assistants, Inc. as a Certified Legal Assistant (CLA) may be substituted for the aforementioned programs.)
 - The employing or supervising attorney must submit the Authorized Legal Representative Affidavit [see Attachment C.1.4 (a)] to the General Counsel/designee with a copy sent to the Facility Director certifying the following:
 - I. The ALRs name, social security number, and date of birth;
 - II. The length of time the ALR has been employed or supervised by the attorney;
 - III. Paralegals, CLAs, and investigators must attach a copy of their certification or license to the affidavit.

The Facility Director/designee shall notify the attorney whether the request is approved or denied and copy the General Counsel on the response. As long as the supervising attorney has been approved by the General Counsel/designee, and the ALR continues in the employ or under the supervision of that same attorney, visits may be approved for a period not to exceed one (1) year.

- C. Scheduling: Visits by attorneys and/or their authorized representatives must be scheduled through the Facility Director's office a minimum of 24 hours in advance. Scheduling is accomplished through emailing or faxing a completed form [see Attachment C.1.4 (b)] to the appropriate Facility Director and to the General Counsel <mailto:Martha.morgan@la.gov> at Martha.Morgan@la.gov.
- D. Time of visits: Visits by attorneys and their authorized representatives shall take place Monday through Friday, excluding holidays, between the hours of 8 a.m. and 4 p.m.
- E. Exceptions:
 - 1. The Facility Director may approve special visits not in conformity with Sections 6.A., B., C. and D., when unusual circumstances warrant.
 - 2. Any improper acts or unethical behavior with a youth during a visit may result in an attorney or ALR being denied future visitation requests.
- F. Social Services staff shall advise the youth on the proper way to place a legal call and assist youth, if needed, in making attorney contact.

VII. LIMITATIONS ON VISITS:

- A. Number of youth: Generally, no more than 10 youth may be seen at any one time, and no more than 20 on any one day. Further limitations may be imposed by the Facility Director if valid reasons exist.
- B. Number of attorneys: Generally, no more than two (2) persons (attorneys, ALRs or any combination thereof) may see a youth on any one (1) day, subject to available space and security constraints. Exceptions may be approved for good cause by the Facility Director.

VIII. GENERAL:

- A. ALRs may be required to attend training/orientation prior to being allowed to visit.
- B. Youth may refuse to see any attorney. Such refusal shall be in writing.
- C. In accordance with Section VI.A. of this policy, a paper or computer log shall be maintained of all actual visits by both attorneys and ALRs.
- D. Visits may be visually observed. Conversations between youth and counsel shall not be audio-monitored under any circumstances.

- E. Attorneys and ALRs are subject to the procedures regarding searches as outlined in YS Policy No. C.2.5.

IX. EXCEPTION:

With the exception of Section VIII.E., this policy does not apply to attorneys representing the State, YS or the facility.

Previous Regulation/Policy Number: C.1.4

Previous Effective Date: 01/05/2012

Attachments/References:



C.1.4 (a) Authorized Legal Rep Affidavit 8-15-11.docx



C.1.4 (b) Indigent Defender Board Attorney Visit Request.docx